

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/602,412

REMARKS

Claims 1-39 are all the claims pending in the application. Claims 1-39 presently stand rejected.

Claims 1, 4, and 37 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,345,292 to Daugherty et al. (hereinafter "Daugherty"). Claims 2 and 3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daugherty in view of U.S. Patent No. 6,542,967 to Major (hereinafter "Major"). Claims 5 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daugherty, and claims 7-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daugherty in view of U.S. Patent No. 6,298,373 to Burns et al. (hereinafter "Burns"). Applicant respectfully traverses these rejections in view of the following comments.

To anticipate a claim under 35 U.S.C. § 102, Daugherty must teach each and every element and recitation of the Applicant's claims. Further, Daugherty must teach each element of the claims in as complete detail as set forth in the claims, *Richardson v. Suzuki Motor Co.* 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Thus, the reference must clearly and unequivocally disclose every element and recitation of the claimed invention.

It is respectfully submitted that Daugherty does not anticipate the claims for at least the following reasons. Claim 1, for example, is directed to a method for managing data stored in a data storage device. The claim requires "*determining that a web page is to be cached, wherein the web page references other objects... automatically managing the cached web page and the*

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appl. No. 09/602,412

stored referenced objects to ensure the display of a complete web page." It is respectfully submitted that Daugherty does not disclose or even suggest these limitations. In fact, Daugherty is no more relevant than the previously cited reference.

Regarding the claim limitation of "*determining that a web page is to be cached, wherein the web page references other objects...*," the Examiner alleges that Daugherty teaches this limitation at col. 5, lines 41 to 48 by stating that "the ISAPI 106 references and caches an XML data structure that specifies HTML clips made up the web page" (*sic*, see page 3 of the Office Action). The ISAPI, however, is an Internet Server Application Programming Interface. Daugherty discloses that the ISAPI assembles HTML clips based on a web page request and personalization information, *i.e.*, a cookie file (col. 5, lines 29 to 40). The Examiner alleges that the claimed "web page" is equivalent to Daugherty's XML structure and the claimed "referenced objects" are equivalent to Daugherty's Hyper Text Markup language (HTML) clips (see page 3 of the Office Action). Applicant respectfully disagrees.

It is respectfully submitted that Daugherty does not teach, or even suggest that the XML structure references the HTML clips. Rather, Daugherty discloses that the web page is made up of a number of HTML clips, in a given arrangement (see col. 5, lines 16 to 18). It is respectfully submitted that Daugherty's web page is constructed from the clips, the web page does not reference the HTML clips since the web page would already contain the HTML clips. Accordingly, Daugherty does not teach or suggest the web page as set forth in claim 1.

Next, Applicant respectfully submits that claim 1 recites a web page and not an XML structure. As is clear from the reference itself, the XML structure disclosed by Daugherty is not the same as the web page disclosed in Daugherty, since the reference describes them differently

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appl. No. 09/602,412

(see cols. 5 and 6 discussing the web page and the XML structure as different things). The XML structure describes parameters and how to look them up (col. 6, lines 1 to 4). Daugherty does not disclose that the XML structure is the web page that is displayed to the user. It is respectfully submitted that one of ordinary skill in the art would not confuse the XML structure disclosed in Daugherty with the web page disclosed therein, since Daugherty distinguishes between the two.

Moreover, it is respectfully submitted that Daugherty's XML structure contains information about parameters, but Daugherty does not disclose that it references the HTML clips, which the Examiner alleges to correspond to the claimed referenced objects. That is, Daugherty discloses that the information in the XML structure is transmitted to a content provider and that the provider object generates the HTML clips from templates and raw data (col. 6, lines 1 to 13). If the information in the XML structure is being sent to the content provider to generate HTML clips, clearly then, the XML structure does not reference the HTML clips because those clips are not even generated when the XML structure is being used. Accordingly, it is respectfully submitted that Daugherty does not teach caching a web page that references other objects, and therefore it does not anticipate claim 1.

For at least these exemplary reasons, Applicant respectfully submits that independent claim 1 is patentably distinguishable from Daugherty. Applicant therefore respectfully requests the Examiner to reconsider and withdraw this rejection of independent claim 1. With respect to independent claims 13 and 25, Applicant respectfully submits that they recite features similar to the features discussed above with respect to claim 1, and hence are patentable for at least the same reasons. Consequently, claims 4, 16, 26, 28, and 37-39 are not anticipated by Daugherty, at least by virtue of their dependency from the independent claims discussed above.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appl. No. 09/602,412

The exemplary deficiencies of Daugherty, as set forth above, are not cured by Major and Burns, either alone or in combination. Consequently, claims 2, 3, 5-12, 14, 15, 17-25, 27, and 29-36 are patentable over the applied references, at least by virtue of their dependency from the independent claims.

Conclusion

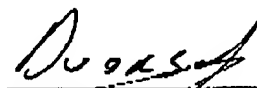
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

CERTIFICATION OF FACSIMILE TRANSMISSION

The undersigned hereby certifies that the above identified correspondence is being facsimile transmitted to Examiner Joseph D. SHAW at the Patent and Trademark Office on April 13, 2005 at facsimile no. 703-872-9306.

Respectfully submitted,



Nataliya Dvorson
Registration No. 56,616

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: April 13, 2005

Attorney Docket No.: A8492